

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.18103 of 2017

Kuttachiammal

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Revenue Divisional Officer
Krishnagiri District.

2.The Tahsildar
Pochampalli Taluk
Krishnagiri District

3.Madhavan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the respondents 1 and 2 to cancel the name of the 3rd respondent from the Patta No. 757, Kattagaram Village, Pochampalli Taluk, in respect of lands in Survey No.S.No. 1, 2/1, 2/3, 3/1B1, 3/1B4, 4/1B1, 4/1B4, 4/1B5, 5/2, 6/1 and 6/2 and restore the patta only in the name of Raji son of Duraisamy, Kuttachiammal Wife of Kittappan, Ramamurthy Son of Manickkam and Gopal son of Chinnapaiyan.

For Petitioner : Ms.Selvi George

For Respondents : Mr.R.Rajeswaran
Special Government Pleader
for R1 & R2

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ORDER

Mr.R.Rajeswaran, learned Special Government Pleader, takes notice for the respondents 1 and 2. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Mandamus to direct the respondents 1 and 2 to cancel the name of the 3rd respondent in the Patta No. 757 in respect of lands in Survey Nos. 1, 2/1, 2/3, 3/1B1, 3/1B4, 4/1B1, 4/1B4, 4/1B5, 5/2, 6/1 and 6/2 and restore the patta in the name of Raji son of Duraisamy,

Kuttachiammal Wife of Kittappan, Ramamurthy Son of Manickkam and Gopal son of Chinnapaiyan.

3. The grievance of the petitioner is that the 2nd respondent had issued the patta in favour of the third respondent and therefore, the same should be cancelled.

4. Mr.R.Rajeswaran, learned Special Government Pleader, appearing for the respondents 1 and 2 submitted that the patta issued by the 2nd respondent should be set aside by way of an appeal before the 1st respondent.

5. In the case on hand, the petitioner has not filed any appeal before the first respondent.

6. In view of the submissions made by the learned counsel on either side, I give liberty to the petitioner to challenge the order passed by the 2nd respondent by way of an appeal before the 1st respondent. In the event of the petitioner filing an appeal before the 1st respondent, the 1st respondent shall decide the same, on merits and in accordance with law, as expeditiously as possible.

With these observations, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Rj

To

1.The Revenue Divisional Officer
Krishnagiri District.

2.The Tahsildar
Pochampalli Taluk,
Krishnagiri District.

+1cc to Mrs.Selvi George, Advocate, S.R.No.50201
+1cc to the Government Pleader, S.R.No.50618

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CS VI
CA(02/08/2017)